

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA

vs.

DOCKET NO. 2:17CR126

DARYL BANK, *et al*

Defendants

NOTICE OF APPEAL

TO: Melissa O'Boyle, Esquire
Assistant U. S. Attorney
Office of the U. S. Attorney
101 W. Main Street, STE 8000
Norfolk, VA 23510

NOTICE IS HEREBY GIVEN that Daryl Bank, Defendant above named, and pursuant to Abney v. United States, 431 U.S. 651 (1977), hereby appeals to the United States Court of Appeals for the Fourth Circuit from the order entered in this action on the 8th day of May, 2019 denying his motion to dismiss for a double jeopardy violation. Defendant also moves the Court to stay the pending criminal trial now set for June 25, 2019 to allow him to prosecute his appeal.

Respectfully submitted,

DARYL BANK
By Counsel

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of May, 2019, I electronically filed the foregoing Notice Of Appeal with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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